

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THOMAS TAYLOR,

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY,

Defendant.

8:20CV314

**SECOND AMENDED FINAL
PROGRESSION ORDER**

THIS MATTER is before the Court on the parties' Joint Motion to Modify Progression Order. ([Filing No. 364.](#)) The motion is granted. Accordingly,

IT IS ORDERED that the provisions of the Court's previous final progression orders remain in effect, and in addition to those provisions, progression shall be amended as follows:

- 1) The jury trial of this case remains as scheduled and will commence before Joseph F. Bataillon, Senior United States District Judge, in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 8:30 a.m. on January 31, 2022**, or as soon thereafter as the case may be called, for a duration of seven (7) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference remains as scheduled and will be held before the undersigned magistrate judge on **January 13, 2022 at 10:00 a.m.**, by video conference. Video conference instructions are found at [Filing No. 361](#).
- 3) The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to bazis@ned.uscourts.gov in Word format, **by 12:00 p.m. on January 10, 2022**.
- 4) The expert deposition deadline is **September 4, 2021**.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is **October 4, 2021**. The responding party will have one (1) month to respond, after which the filing party will have two (2) weeks to reply.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **November 5, 2021**.
- 7) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 14th day of July, 2021.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge